

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WARREN DURHAM JR.,  
Plaintiff  
V.  
JAMES D. WASHBURN  
ET AL.  
Defendants.

DEC 22 2006  
P2:34  
CLERK  
U.S. DISTRICT COURT  
C.A. No. 02-82 ERIE  
District Judge Cohill

**MOTION TO SHOW CAUSE**

The Plaintiff Warren Durham Jr. responds to this Court's order dated December 14, 2006 for his failure to file Responses in opposition to the Defendant's Motions for Summary Judgment. Accordingly, Plaintiff state as follows:

1. On October 11, 2006 Plaintiff contacted Defendant's Attorney David Ridge in an ongoing attempt at settlement of the case. At this time no settlement could be reached. However, Mr. Ridge filed Motion for Extension of time to file Pre-trial Motions, requesting that the parties be given until November 15, 2006 in which to file responses.

2. On or about November 13, 2006 Plaintiff made telephone contact with Mr. Ridge and communicated to him that he was in agreement with the settlement offer made by Defendants.

3. During the telephone conversation with Mr. Ridge, it was further communicated to Plaintiff that he had permission from Defendant City of Erie to represent a consolidated response concerning any settlement. However, Mr. Ridge then communicated to Plaintiff that he should personally contact Attorney Gerald Villella, Solicitor for the City of Erie.

4. The Plaintiff made several attempts by telephone to Mr. Villella, the last being December 4, 2006 to notify him that Plaintiff was in agreement with the settlement offer made by Defendants. Mr. Villella has yet to respond, although Plaintiff did transmit all relevant information on his answering service.

5. The Plaintiff had no intent to be disrespectful of the Court's order. It was merely his resolve to settle this matter since all parties was now in agreement as to settlement of this case.

The Plaintiff is still in agreement with the settlement offer made by Defendants.

6. However, the Plaintiff is requesting an extension of 30-days in which to respond to Defendants' Motion for Summary Judgment in the case the Defendants settlement agreement has been withdrawn.

WHEREFORE, the Plaintiff request 30-days after this Court's response to file his Responses to Defendants' Motion for Summary Judgment.

Respectfully submitted,



WARREN DURHAM JR.  
12119 MATHERSON AVE.  
CLEVELAND, OH. 44135

DATED: 12/19/06

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

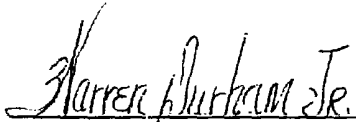
WARREN DURHAM JR.,	)	CIVIL ACTION
Plaintiff	)	NO. 02-82 ERIE
V.	)	
	)	
JAMES D. WASHBURN,	)	District Judge Cohill
ET AL.	)	Magistrate Judge Baxter
Defendants.	)	

**CERTIFICATE OF SERVICE**

I, Warren Durham Jr., hereby verify that I have mailed a true and correct copy of "Motion to Show Cause" and "Motion Requesting Extension of Time" to the persons named below by FIRST CLASS MAIL, postage prepaid:

Gerald J. Villella, Esquire  
626 State Street  
Erie, Pa. 16501

David Ridge, Esquire  
246 West Tenth Street  
Erie, Pa. 16501

  
WARREN DURHAM JR.  
12119 MATHERSON AVE.  
CLEVELAND, OH. 44135

12/19/06